

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

| | | |
|------------------------|---|------------------------------|
| LEON FENDERSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 21-cv-11-SMY |
| |) | |
| ANTHONY WILLIS, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

YANDLE, District Judge:

Plaintiff Leon Fenderson filed his Petition for Writ of Habeas Corpus alleging ineffective assistance of counsel and excessive sentence (Doc. 1). On July 20, 2021, this Court dismissed Plaintiff's case with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute (Doc. 3). Now pending before the Court is Plaintiff's Motion for Relief from Judgment (Doc. 5).

Rule 60(b) of the Federal Rules of Civil Procedure permits a party relief from a judgment for several reasons including mistake or "any other reason justifying relief from the operation of judgment." Fed. R. Civ. P. 60(b). However, relief under Rule 60(b) is extraordinary and is only granted in exceptional circumstances. *United States v. 8136 S. Dobson St., Chicago Ill.*, 125 F.3d 1076, 1082 (7th Cir. 1997).

Here, Plaintiff has presented no justification warranting Rule 60(b) reconsideration. He asserts that he did not receive any information regarding this case and blames the Menard Correctional Center Law Library Supervisor. He states that he would have paid the necessary fee to keep this case open, had he received notice, but doesn't identify any proactive steps he took in

regard to the pending petition before receiving the dismissal order in July 2021. Accordingly, Plaintiff's Motion for Relief from Judgment (Doc. 5) is **DENIED**.

IT IS SO ORDERED.

DATED: October 3, 2022

A handwritten signature in black ink, reading "Staci M. Yandle", is positioned above a horizontal line. To the right of the signature is a circular official seal of the United States District Court for the District of Columbia.

STACI M. YANDLE
United States District Judge